

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 10, 2003
SAN FRANCISCO, CALIFORNIA**

S116670

HAWTHORNE (ANDERSON) ON H.C.

Order to show cause issued

The Director of the Department of Corrections is order to show cause in this court, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that petitioner is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petition for writ of habeas corpus filed July 12, 2003. The return shall be filed on or before January 9, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S119575

B158572 Second Appellate District,
Division Five

AVILA v. CITRUS COMMUNITY

Petition for review granted

Votes: George, C.J., Baxter, Werdegarr, Chin, and Brown, JJ.

S119750

D040278 Fourth Appellate District,
Division One

MORRIS v. DE LA TORRE

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S119948

D040184 Fourth Appellate District,
Division One

PEOPLE v. AULT

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S119975

D037485 Fourth Appellate District,
Division One

PEOPLE v. ATHAR

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S119976

C042781 Third Appellate District

L. (DAVID), IN RE

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re S.B.*, S112260 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S120121

C041036 Third Appellate District

STANLEY v. CALIF. STATE LOTTERY COMM.

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Graham v. Daimler-Chrysler Corp.*, S112862 and *Tipton-Whittingham v. City of Los Angeles*, S112943 (see Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S103022

G027680 Fourth Appellate District,
Division Three

B. (ROBERT), IN RE

Dismissal order filed

In light of the 2002 amendment of Penal Code section 466 (Stats. 2002, ch. 335, § 1), this matter is dismissed.

Votes: George, C.J., Kennard, Werdegarr, and Moreno, JJ.

S100932

WILLIAMS (BARRY) ON H.C.

Petition for writ of habeas corpus denied (AA)

The requests for judicial notice are granted.
The petition for writ of habeas corpus

is denied.

All claims are denied on the merits.

Separately and independently, all claims are procedurally barred as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 763–799.)

Separately and independently, the following claims are procedurally barred as successive because they could have been raised on habeas corpus previously, but were not: 10 (subclaim (c)), 11 (subclaim (f), ¶¶ (c)-(h)), 13 (regarding Deborah McG., a purported juror, and Frank C., a juror), 14, 16, 17, 18, 19 (except for claims made in petitioner's prior petition, *In re Barry Glenn Williams on Habeas Corpus* (S050166, petn. den. Aug 20, 2000), that his conviction of the Billingsley murder resulted from the introduction of false evidence, the ineffective assistance of counsel, or both), 23, 25, 26, 27, 28, 29 (insofar as subclaim (a) claims ineffective assistance of counsel for failing to retain a neuropsychologist for trial), 30 (insofar as it claims that jurors did not follow instructions regarding the effect of life imprisonment without possibility of parole), 31, 32, 33, 34, and 35. (*In re Clark, supra*, 5 Cal.4th 750, 767–768; *In re Horowitz* (1949) 33 Cal.2d 534, 546–547.)

Separately and independently, the following claims are procedurally barred as repeating claims raised and rejected in petitioner's prior petition, *In re Barry Glenn Williams on Habeas Corpus* (S050166, petn. den. Aug 20, 2000): 1, 2, 3 (except for Mary S., a prospective juror), 4, 5, 6, 7, 8, 9, 10 (except for subclaim (c)), 11 (except for subclaim (f), ¶¶ (c)-(h)), 12, 13 (regarding Viola R. and Terry S., both jurors), 15, 19 (insofar as petitioner claims that his conviction of the Billingsley murder resulted from the introduction of false evidence, the ineffective assistance of counsel, or both), 20, 21, 22, 24, 29 (except insofar as subclaim (a) claims ineffective assistance of counsel for failing to retain a neuropsychologist for trial), and 30 (except insofar as it claims that jurors did not follow instructions regarding the effect of life imprisonment without possibility of

parole). (*In re Miller* (1941) 17 Cal.2d 734, 735.)

Separately and independently, the following claims are procedurally barred as repeating a claim raised and rejected on appeal: 3 (regarding Mary S., a prospective juror), 11 (Fifth Amendment component of subclaim (f), ¶¶ (c)-(h)), 13 (regarding the attentiveness of Terry S., a juror), 14, 16 (Fifth and Sixth Amendment components), 17, 18, 23, 25 (Eighth Amendment component), 26, 27, 28, 31 (Fifth and Eighth Amendment components), 33 (Sixth and Eighth Amendment components), 34 (Eighth Amendment component, insofar as it concerns the effect of purported guilt phase errors on the penalty phase), and 35 (Fifth and Eighth Amendment components). (See *In re Harris* (1993) 5 Cal.4th 813, 824–829; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Separately and independently, the following claims are procedurally barred because they were not raised on appeal, but could have been: 11 (Sixth and Eighth Amendment components of subclaim (f), ¶¶ (c)-(h)), 16 (Eighth Amendment component), 25 (Fifth and Sixth Amendment components), 31 (Sixth Amendment component), 32 (Sixth Amendment component), 33 (Fifth Amendment component), 34 (Fifth and Sixth Amendment components, insofar as they concern the effect of purported guilt phase errors on the penalty phase), and 35 (Sixth Amendment component). (See *In re Harris, supra*, 5 Cal.4th 813, 824–829; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Kennard, J. and Brown, J., would issue an order to show cause as to claim number one.

S118708

H025562 Sixth Appellate District
H024867

PEOPLE v. GARCIA

Petition for review denied

S118992

HOLMES ON ADMISSION

Petition for writ of review denied

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2018

S119114

C044757 Third Appellate District

PIRTLE (JOHN HERMAN) ON H.C.
Petition for review denied

S119194

CALIFORNIANS FOR RENEWABLE ENERGY v.
CALIF. ENERGY RESOURCES CONSERV. &
DEV. COMM. (EAST ALTAMONT ENERGY)
Petition for writ of review denied

S119197

B160125 Second Appellate District,
Division Five

WANG v. HARTUNIAN
Petition for review & depublication requests denied

Kennard, J., Baxter, J., and Werdegar, J., are of
the opinion the petition should be granted.

S119303

C041034 Third Appellate District

STANLEY v. CALIFORNIA STATE LOTTERY
Petition for review & publication request denied

S119309

E034390 Fourth Appellate District,
Division Two

ZANE v. S.C. (PEOPLE)
Petition for review denied

S119419

G031044 Fourth Appellate District,
Division Three

SCOTTSDALE INSURANCE v. UNITED COASTAL
INSURANCE CO.
Petition for review & publication request denied

S119431

A103691 First Appellate District,
Division Two

BOLTER v. S.C. (CALIF DEPT. OF CORRECTIONS)
Petition for review and application for stay denied

S119492

B166391 Second Appellate District,
Division Two

WAYNE (ANTOLIN P.) ON H.C.
Petition for review denied

S119528

B169984 Second Appellate District,
Division Five

ARMSTRONG v. S.C. (PRIMEPOINT)
Petition for review denied

S119578

B156926 Second Appellate District,
Division Four

PEOPLE v. AGUILAR
Petitions for review denied

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2019

S119579
C044797 Third Appellate District

KILEY v. REEBOK INTERNATIONAL
Petition for review denied

S119588
A098793 First Appellate District,
Division Three

STATE EX REL. DAWN CLEMENTS v. OECHSLE
INTERNATIONAL ADVISORS LLC.
Petition for review denied

S119653

MYERS v. COURT OF APPEAL SECOND DISTRICT
Petition for writ of mandate/prohibition denied

S119669
H024499 Sixth Appellate District

PEOPLE v. LOPEZ
Petition for review denied

S119676
G028683 Fourth Appellate District,
Division Three

MCCORD v. MCCORD
Petition for review denied

S119702
E032657 Fourth Appellate District,
Division Two

PEOPLE v. GUTIERREZ
Petition for review denied

S119708
A103714 First Appellate District,
Division Two

CHIU v. S.C. (WADSWORTH)
Petition for review and application for stay denied

S119718

MORGAN v. C.A 2 NORTHRIDGE HOSPITAL)
Petition for writ of mandate/prohibition denied

S119726
A101076 First Appellate District,
Division Five

LINDELLI v. SAN ANSELMO, TOWN OF (MARIN
SANITARY SERVICE)
Petition for review denied

S119735
A097629 First Appellate District,
Division Two

THOMPSON v. MT. DIABLO UNIFIED SCH. DIST.
Petition for review denied

S119760
B162489 Second Appellate District,
Division Five

PEOPLE v. LI
Petitions for review denied

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S119763
C043318 Third Appellate District

E. (J.), IN RE
Petition for review denied

S119821
H022877 Sixth Appellate District
H022942

PEOPLE v. TIANO
Petitions for review denied

S119841
H023601 Sixth Appellate District

PEOPLE v. TORRES
Petition for review denied

S119851
A098756 First Appellate District,
Division Five

MASON v. RETIREMENT BOARD
Petitions for review denied

S119860
H023877 Sixth Appellate District

PEOPLE v. TRAN
Petition for review denied

S119870
C041344 Third Appellate District

PEOPLE v. WHITE
Petition for review denied

S119882

PENSION OBLIGATION BOND COMMITTEE v. S.C.
(HOWARD JARVIS TAXPAYERS ASSN.
Petition for writ of mandate/prohibition denied

S119884
B156084 Second Appellate District,
Division Five

PEOPLE v. SANDERS
Petitions for review denied

S119887
B154801 Second Appellate District,
Division Seven

PEOPLE v. CANNON
Petition for review denied

S119900
F044050 Fifth Appellate District

SCHUSTER ON H.C.
Petition for review denied

S119945
H024392 Sixth Appellate District

PEOPLE v. LEE
Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.

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2021

S119957

B160762 Second Appellate District,
Division Six

PEOPLE v. MOSS

Petition for review denied

S119958

C042311 Third Appellate District

FRIENDS OF FIVE LAKES v. COUNTY OF PLACER
(CALDWELL)

Petition for review & publication request denied

S119961

B153731 Second Appellate District,
Division Three

MCLAREN v. BOLDEN & MARTIN

Petition for review denied

S119972

D040743 Fourth Appellate District,
Division One

PEOPLE v. RANSOM

Petition for review denied

S119973

B170446 Second Appellate District,
Division Two

ANDERSON v. S.C. (PEOPLE)

Petition for review denied

S119974

H024931 Sixth Appellate District

PEOPLE v. PALACIOS

Petition for review denied

S119981

B158270 Second Appellate District,
Division Seven

PEOPLE v. TRASTER

Petition for review denied

S119984

A099625 First Appellate District,
Division Three

PEOPLE v. COMPTON

Petition for review denied

S119990

F040752 Fifth Appellate District

PEOPLE v. MENDOZA

Petition for review denied

S119991

C042679 Third Appellate District

J. (B.), IN RE

Petition for review denied

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2022

S119993

B161652 Second Appellate District,
Division Six

PEOPLE v. JACKSON

Petition for review denied

S120001

C042874 Third Appellate District

S. (JESSICA), IN RE

Petition for review denied

S120002

E033201 Fourth Appellate District,
Division Two

LOCKHEED MARTIN CORP. v. S.C. (ADAMS)

Petition for review denied

S120005

B160426 Second Appellate District,
Division Five

PEOPLE v. VETTER

Petition for review denied

S120006

B161790 Second Appellate District,
Division Six

GALANTER v. OAK PARK UNIFIED SCH. DIST.

Petition for review denied

S120007

C041967 Third Appellate District

PEOPLE v. HOLT

Petition for review denied

S120008

A099047 First Appellate District,
Division One

PEOPLE v. TAYLOR

Petition for review denied

Chin, J., and Brown, J., are of the opinion the
petition should be granted.

S120024

E033066 Fourth Appellate District,
Division Two

PEOPLE v. DELGADO

Petition for review denied

S120028

B161576 Second Appellate District,
Division Two

PEOPLE v. BRIDGES

Petition for review denied

S120032

E030684 Fourth Appellate District,
Division Two

PEOPLE v. CASTREJON

Petition for review denied

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2023

S120038

B162426 Second Appellate District,
Division Three

PEOPLE v. DE LOS SANTOS
Petition for review denied

S120039

B170380 Second Appellate District,
Division Seven

ROGERS (EARL) ON H.C.
Petition for review denied

S120042

G031255 Fourth Appellate District,
Division Three

L. (TIMOTHY), IN RE
Petition for review denied

S120044

B162300 Second Appellate District,
Division Two

PEOPLE v. ANDERSON (BEECHER)
Petition for review denied

S120047

E033416 Fourth Appellate District,
Division Two

PEOPLE v. ANDERSON (JOHN CLIFTON)
Petition for review denied

S120049

B157836 Second Appellate District,
Division Seven

VIRIYAPANTHU v. REGENTS OF U.C.
Petition for review denied

S120053

F041525 Fifth Appellate District

PEOPLE v. ALBA
Petition for review denied

S120056

A098633 First Appellate District,
Division One

PEOPLE v. PABRIAGA
Petition for review denied

S120058

B162672 Second Appellate District,
Division Six

PEOPLE v. SPEECH
Petition for review denied

S120060

B154542 Second Appellate District,
Division Eight

PEOPLE v. WHITE
Petition for review denied

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2024

S120062

B163353 Second Appellate District,
Division Six

PEOPLE v. CASTILLO
Petition for review denied

S120063

B163073 Second Appellate District,
Division One

PEOPLE v. FARRAR
Petition for review denied

S120065

H024914 Sixth Appellate District

PEOPLE v. ANDREWS
Petition for review denied

S120071

B163420 Second Appellate District,
Division Four

PEOPLE v. SWAIN
Petition for review denied

S120072

A100505 First Appellate District,
Division Three

SEIDENFELD v. HALVONIK
Petition for review denied

S120073

B156250 Second Appellate District,
Division Four

PEOPLE v. PARK
Petition for review denied

S120075

A098322 First Appellate District,
Division Three

PEOPLE v. JONES
Petition for review denied

S120076

B166556 Second Appellate District,
Division Seven

PEOPLE v. LUCAS
Petition for review denied

S120078

E032688 Fourth Appellate District,
Division Two

PEOPLE v. DELGADO
Petition for review denied

S120081

B161577 Second Appellate District,
Division Four

PEOPLE v. KNOWLTON
Petition for review denied

S120083

C042097 Third Appellate District

PEOPLE v. FERNANDEZ
Petition for review denied

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S120085

A104137 First Appellate District,
Division Five

WAYNE (ANTOLIN PATRICK) ON H.C.
Petition for review denied

S120090

B164223 Second Appellate District,
Division Two

PEOPLE v. ALLEN
Petition for review denied

S120092

F040241 Fifth Appellate District

PEOPLE v. RODRIGUEZ
Petition for review denied

S120093

A101743 First Appellate District,
Division Four

PEOPLE v. RICHMOND
Petition for review denied

S120094

H024035 Sixth Appellate District

PEOPLE v. TABAREZ
Petition for review denied

S120095

H023831 Sixth Appellate District

PEOPLE v. FLETCHER
Petition for review denied

S120096

A099044 First Appellate District,
Division Three

PEOPLE v. PERALTA
Petition for review denied

S120099

B162005 Second Appellate District,
Division Six

PEOPLE v. HARO
Petition for review denied

S120103

D040295 Fourth Appellate District,
Division One

KONDRICK v. BLOOMINGDALE
Petition for review denied

S120106

B158490 Second Appellate District,
Division Seven

SAIS v. LEE
Petition for review denied

S120107

G030166 Fourth Appellate District,
Division Three

PEOPLE v. AUGUSTIN
Petition for review denied

S120109

A103290 First Appellate District,
Division Two

HATTER-HOOKER v. WCAB (WELLS FARGO)
Petition for review denied

S120112

D040616 Fourth Appellate District,
Division One

PEOPLE v. CARTER
Petition for review denied

S120115

F040626 Fifth Appellate District

PEOPLE v. ATKERSON
Petition for review denied

S120118

B170477 Second Appellate District,
Division Four

MORGAN v. S.C.(VALLEY HOSPITAL MED. CTR.)
Petition for review denied

S120119

B161892 Second Appellate District,
Division Five

PEOPLE v. MORRIS
Petition for review denied

S120122

A098471 First Appellate District,
Division Two

PEOPLE v. MCGILBERRY
Petition for review denied

S120124

H024223 Sixth Appellate District
H024788

TATRO & WHEELER, INC. v. DICKSON-NEWELL
Petition for review & publication request denied

S120140

H024510 Sixth Appellate District

PEOPLE v. VILLANUEVA
Petition for review denied

S120150

C044762 Third Appellate District

COPELAND v. WCAB ; PURITY STORES INC.
Petition for review denied

S120151

H025026 Sixth Appellate District

PEOPLE v. MOUSA
Petition for review denied

S120154

E032437 Fourth Appellate District,
Division Two

PEOPLE v. VANCE
Petition for review denied

S120155

D040986 Fourth Appellate District,
Division One

BUSTOS v. COUNTY OF SAN DIEGO

Petition for review denied

S120159

D039704 Fourth Appellate District,
Division One

BAZAR v. CALDER

Petition for review denied

S120160

B162884 Second Appellate District,
Division Five

PEOPLE v. GUTIERREZ

Petitions for review denied

S120161

B161188 Second Appellate District,
Division Six

PEOPLE v. CITIZEN

Petition for review denied

S120162

D041661 Fourth Appellate District,
Division One

Z. (FABIAN), IN RE

Petition for review denied

S120164

A100090 First Appellate District,
Division Four

PEOPLE v. DAVIS

Petition for review denied

S120165

E032758 Fourth Appellate District,
Division Two

PEOPLE v. CERVANTES

Petition for review denied

S120166

D039914 Fourth Appellate District,
Division One

PEOPLE v. ESTRADA

Petition for review denied

S120167

B156449 Second Appellate District,
Division Seven

PEOPLE v. MARSHALL

Petition for review denied

S120168

D042519 Fourth Appellate District,
Division One

BURNETT v. SOLID GOODS CORP.

Petition for review denied

S120169

C041614 Third Appellate District

PEOPLE v. MILBURN

Petition for review denied

S120172 B161258 Second Appellate District, Division Four	STATE FARM GEN. INS. v. ADBUR-RAHEEM Petition for review denied
S120175 B159605 Second Appellate District, Division Three	PEOPLE v. JENKINS Petition for review denied
S120178 B162665 Second Appellate District, Division Three	PEOPLE v. MILES Petition for review denied
S120180 E033270 Fourth Appellate District, Division Two	PEOPLE v. GUTIERREZ Petition for review denied
S120184 B159136 Second Appellate District, Division Six	PEOPLE v. LINNIHAN Petition for review denied
S120187 B160439 Second Appellate District, Division One	PEOPLE v. CARRANZA Petition for review denied
S120189 H023208 Sixth Appellate District	PEOPLE v. WEAVER Petition for review denied
S120193 F041552 Fifth Appellate District	LUCKEY v. WCAB (DEPT. OF YOUTH AUTHTY.) Petition for review denied
S120195 H024498 Sixth Appellate District	PEOPLE v. MACK Petition for review denied
S120200 A100085 First Appellate District, Division Three	PEOPLE v. SCOTT Petition for review denied
S120202 A103628 First Appellate District, Division One	SHORE v. GALLO-PODESTA Petition for review denied

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S120205

F040623 Fifth Appellate District

PEOPLE v. RODRIGUEZ

Petition for review denied

S120207

H023840 Sixth Appellate District

FUENTES v. SHIN CATERPILLAR MITSUBISHI

Petition for review denied

S120208

H025073 Sixth Appellate District

C. (JOHN), IN RE

Petition for review denied

S120213

C042214 Third Appellate District

PEOPLE v. INKS

Petition for review denied

S120215

A100986 First Appellate District,
Division One

PEOPLE v. GEE

Petition for review denied

S120221

F042812 Fifth Appellate District

H. (A.), IN RE

Petition for review denied

S120223

C042112 Third Appellate District

PEOPLE v. TIDWELL

Petition for review denied

S120224

B157732 Second Appellate District,
Division Two

WALKER v. LOS ANGELES

Petition for review denied

S120230

B160522 Second Appellate District,
B167012 Division Three

PEOPLE v. OLIVARES

Petition for review denied

S120231

G030905 Fourth Appellate District,
Division Three

KADAR & KOVACS, MARRIAGE OF

Petition for review denied

S120232

H023789 Sixth Appellate District

PEOPLE v. CASTALINE

Petition for review denied

S120233

F040538 Fifth Appellate District

PEOPLE v. CORDERO

Petition for review denied

S120235 A099974 First Appellate District, Division One	PEOPLE v. BERNAL Petition for review denied
S120244 B164001 Second Appellate District, Division Five	H. (N.), IN RE Petition for review denied
S120246 C041788 Sixth Appellate District	PEOPLE v. RODRIGUEZ Petition for review denied
S120250 B163945 Second Appellate District, Division Eight	PEOPLE v. SANDERS Petition for review denied
S120257 E033065 Fourth Appellate District, Division Two	PEOPLE v. WESTON Petition for review denied
S120258 D039848 Fourth Appellate District, Division One	PEOPLE v. ODOM Petition for review denied
S120259 A104229 First Appellate District, Division Four	HALL v. S.C.(PEOPLE) Petition for review denied
S120260 F039668 Fifth Appellate District F039743	VISALIA COMMUNITY BANK v. BRYLKA Petitions for review denied
S120261 B170569 Second Appellate District, Division Three	CHAVEZ v. S.C. (U-HAUL COMPANY) Petition for review denied
S120262 B164494 Second Appellate District, Division One	PEOPLE v. BROWN Petition for review denied
S120263 C040856 Third Appellate District	PEOPLE v. DANIELS Petition for review denied

S120269 F041771 Fifth Appellate District	D. (JONATHAN), IN RE Petition for review denied
S120273 C042228 Third Appellate District	PEOPLE v. DURON Petition for review denied
S120279 B158260 Second Appellate District, Division Three	PEOPLE v. DAVIS Petition for review denied
S120282 B160719 Second Appellate District, Division Seven	PEOPLE v. CHAVARRIA Petition for review denied
S120283 E032562 Fourth Appellate District, E033975 Division Two	PEOPLE v. SAMUEL Petition for review denied
S120285 A104372 Fourth Appellate District, Division One	ALVARENGA (DIMAS R.) ON H.C. Petition for review denied
S120290 B163562 Second Appellate District, Division Three	PEOPLE v. JOO Petition for review denied
S120291 B151108 Second Appellate District, Division Six	PEOPLE v. BURNS Petition for review denied
S120293 B161398 Second Appellate District, Division One	MCCLLOUD, ESTATE OF Petition for review denied
S120295 B153875 Second Appellate District, Division Seven	HOBDY v. CALIFORNIA, STATE OF Petition for review denied
S120296 D040963 Fourth Appellate District, Division One	PEOPLE v. HARBOLD Petition for review denied

S120297

A103776 First Appellate District,
Division Two

TABB v. S.C. (DIRECTOR C.D.C.)

Petition for review denied

S120298

B163964 Second Appellate District,
Division One

PEOPLE v. RICHARD

Petition for review denied

S120300

B170549 Second Appellate District,
Division One

WELDON (MARK) ON H.C.

Petition for review denied

S120303

B160927 Second Appellate District,
Division Three

PEOPLE v. MORRISON

Petition for review denied

S120304

E033069 Fourth Appellate District,
Division Two

H. (JONATHAN), IN RE

Petition for review denied

S120305

B165316 Second Appellate District,
Division Two

BUFFORD v. MOSE

Petition for review denied

S120307

B152427 Second Appellate District,
Division Two

PEOPLE v. NORIEGA

Petition for review denied

S120308

B162157 Second Appellate District,
Division Three

PEOPLE v. FLORES

Petition for review denied

S120309

E031279 Fourth Appellate District,
Division Two

COTE v. COUNTY OF SAN BERNARDINO

Petition for review denied

S120310

B162787 Second Appellate District,
Division Five

PEOPLE v. ZAMORA

Petition for review denied

S120311

B159997 Second Appellate District,
Division Three

COHEN v. OLSON

Petition for review denied

S120312

B162239 Second Appellate District,
Division Four

NATURAL BALANCE PET FOODS v. CHENANGO
PET FOODS, INC.

Petition for review denied

S120316

G029934 Fourth Appellate District,
Division Three

ZAKOYAN v. POMA DISTRIBUTING CO.

Petition for review denied

S120318

G029043 Fourth Appellate District,
G029396 Division Three

PEOPLE v. MOLINA

Petitions for review denied

S120322

E034419 Fourth Appellate District,
Division Two

BURNELL v. WCAB (SHERIFF'S DEPT.)

Petition for review denied

S120327

F040992 Fifth Appellate District

PEOPLE v. AMOS

Petition for review denied

S120328

H024174 Sixth Appellate District

GARZA v. GOURLEY

Petition for review denied

S120333

G032965 Fourth Appellate District,
Division Three

MATTHEWS v. S.C. (STANILA)

Petition for review denied

S120336

B158594 Second Appellate District,
Division Three

WOLKOWITZ v. REDLAND INSURANCE CO.

Petition for review denied

Request for judicial notice granted.

S120340

E032425 Fourth Appellate District,
Division Two

PEOPLE v. ZAVALA

Petition for review denied

S120347

G032116 Fourth Appellate District,
Division Three

PEOPLE v. VAN HORN
Petition for review denied

S120349

D043127 Fourth Appellate District,
Division One

YUMA, CITY OF v. S.C. (CRUZ)
Petition for review and application for stay denied

S120352

F040997 Fifth Appellate District

PEOPLE v. AMOS
Petition for review denied

S120353

A100821 First Appellate District,
Division One

PEOPLE v. BELFIORE
Petition for review denied

S120370

CALIFORNIANS FOR RENEWABLE ENERGY v.
CALIF. ENERGY COMM. (EAST ALTAMONT)
Petition for writ of mandate/prohibition denied

S120373

A100908 First Appellate District,
Division Four

C. (MARIA), IN RE
Petition for review denied

S120381

F041203 Fifth Appellate District

PEOPLE v. MAHMOUD
Petition for review denied

S120383

A104297 First Appellate District,
Division Four

PAGE (SAMMY L.) ON H.C.
Petition for review denied

S120393

B170657 Second Appellate District,
Division One

ALLEN v. S.C. (PEOPLE)
Petition for review denied

S120423

C041231 Third Appellate District

MULLINS v. CALFARM INSURANCE COMPANY
Petition for review denied

S120604

VIGON v. S.C. (LONGORIA)
Petition for writ of mandate/prohibition & stay denied

S101553OTT (EDWARD CHARLES) ON H.C.
Petition for writ of habeas corpus denied**S110393**BUTLER (JAMES) ON H.C.
Petition for writ of habeas corpus denied**S111231**GIBSON (RORY) ON H.C.
Petition for writ of habeas corpus denied**S113912**SCHOENFELD (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., is recused and did not participate.

S114264CAMPOS (JOSE) ON H.C.
Petition for writ of habeas corpus denied**S114913**WESTHERINGTON (MONTE) ON H.C.
Petition for writ of habeas corpus denied**S114918**COSBY (KEITH) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S114931**VICE (HERBERT) ON H.C.
Petition for writ of habeas corpus denied**S114932**HOUSTON (LOUIS E.) ON H.C.
Petition for writ of habeas corpus denied**S114934**MORENO (MANUEL ROSAS) ON H.C.
Petition for writ of habeas corpus denied**S114937**SOTO (NESTOR E. G.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)**S114950**KING (JESSE STEPHEN) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114967	WAYNE (ANTOLIN PATRIC) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115135	HODGINS (ANDREW S.) ON H.C. Petition for writ of habeas corpus denied
S115138	ALLEN (RANDOLPH R.) ON H.C. Petition for writ of habeas corpus denied
S115139	MARSHALL (PHILLIP C.) ON H.C. Petition for writ of habeas corpus denied
S115144	ROY (RANDALL WARREN) ON H.C. Petition for writ of habeas corpus denied
S115156	SERRANO (ONOFRE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115165	WILLIAMS (ALBERT A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115195	MAGANA (CRUZ) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115204	HUGHES (GARY L.) ON H.C. Petition for writ of habeas corpus denied
S115209	CARTER (MICHAEL) ON H.C. Petition for writ of habeas corpus denied
S115213	WHITEHURST (JERRY L.) ON H.C. Petition for writ of habeas corpus denied
S115227	MARTINEZ (RUBEN R.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

S115239	KINGERY (FRANKIE ROY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115272	RODRIGUEZ (JOSE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115314	ALDERETE (RICHARD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115356	BURNS (LINFORD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115370	BOOKER (ALONZO J.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115392	WATSON (NYLES L.) ON H.C. Petition for writ of habeas corpus denied
S115394	WILSON (RICHARD B.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115396	NETHERLY (JAMES R.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115397	REED (CHRISTOPHER) ON H.C. Petition for writ of habeas corpus denied
S115398	STARR (DARLO) ON H.C. Petition for writ of habeas corpus denied
S115399	MARTINEZ (JOSE A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S115401	BALTAZAR (ALREDO O.) ON H.C. Petition for writ of habeas corpus denied

S115512	SERRANO (ONOFRE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S116074	BOOKER (ALONZO J.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S118411	MCQUEEN (ERNEST) ON H.C. Petition for writ of habeas corpus denied
S120559	JACKSON (ANTHONY X.) ON H.C. Petition for writ of habeas corpus denied
S120702	DELAO (DONNA MARIE) ON H.C. Petition for writ of habeas corpus denied
S120771	SCHINNER (DUANE) ON H.C. Petition for writ of habeas corpus & stay request denied
S119377 E032608 Fourth Appellate District, Division Two	LANE v. BRUGGEMAN SMITH PECKHAM Publication request denied (case closed)
S119617 B157344 Second Appellate District, Division Seven	KIM v. ALLSTATE INSURANCE Publication request denied (case closed) Chin, J., was recused and did not participate.
S119736 B166657 Second Appellate District, Division Five	T. (ANTHONY), IN RE Publication request denied (case closed)
S120051 E032783 Fourth Appellate District, Division Two	Z. (S.), IN RE Publication request denied (case closed)
S120074 F042933 Fifth Appellate District	W. (JUSTIN), IN RE Publication request denied (case closed)

S120158

B161052 Second Appellate District,
Division Six

P. (LUIS), IN RE

Publication request denied (case closed)

S120345

D036734 Fourth Appellate District,
Division One

SEHULSTER TUNNELS v. TRAYLOR BROTHERS

Depublication requests denied (case closed)

S120649

E033096 Fourth Appellate District,
Division Two

PEOPLE v. CELIO

Publication request denied (case closed)

S119659

B165358 Second Appellate District,
Division Four

MILLER (STEVEN T.) ON H.C.

Time extended to grant or deny review

to January 13, 2004

S119869

A100258 First Appellate District,
A097784 Division One

AMERICAN FINANCIAL SERVICES ASSN. v. CITY
OF OAKLAND

Time extended to grant or deny review

to January 16, 2004

S116358

G028814 Fourth Appellate District,
Division Three

WIENER v. SOUTHCOAST CHILDCARE

Extension of time granted

to December 19, 2003 for
appellants/respondents to file the answer brief
on the merits.

S118489

B163651 Second Appellate District,
Division Eight

GOMEZ v. S.C. (DISNEY)

Extension of time granted

to January 12, 2004 for real parties in interest to
file the opening brief on the merits.

S119259

H024323 Sixth Appellate District

PEOPLE v. MIRAMONTES

Counsel appointment order filed

Alan Siraco appointed to represent appellant.

S045982

PEOPLE v. AVILA (JOHNNY, JR.)
Record ordered unsealed

Appellant's "Motion to Have the Court Review Sealed Materials and Determine Whether They Should Remain Sealed and/or Under What Conditions They Should Be Released to Appellate Defense Counsel," filed on March 7, 2002, is granted in part and denied in part.

The motion is granted to the following extent:

The Clerk is directed to unseal the following portions of the record on appeal herein, and to provide appellant with a copy thereof:

1. "Supplemental Clerk's Transcript on Appeal #1, volume 11 of 12," pages 2989–3058 and, as redacted, pages 3059–3098.

2. "Supplemental Clerk's Transcript on Appeal #8 Sealed Documents, volume 1 of 1," pages 1–14, as redacted.

3. "Augmented Clerk's Transcript on Appeal Sealed and Confidential Documents Pertaining to Co-Defendant Richard Avila," volume 1, pages 1–272 and 287–300 and, as redacted, pages 273–286.

4. "Augmented Clerk's Transcript on Appeal Sealed and Confidential Documents Pertaining to Co-Defendant Richard Avila," volume 2, pages 301–401.

5. "Reporter's Augmented Transcript on Appeal, volume VII, pages 1801–2100, September 30, 1992."

6. "Augmentation of Reporter's Transcript on Appeal, April 19, 1993."

7. "Reporter's Transcript on Appeal Augmentation," volumes XI–XVII.

8. "Reporter's Transcript on Appeal, volume 6 of 61, In Camera Hearing, pages 1067–1090."

9. "Reporter's Transcript on Appeal, volume 15 of 61, In Camera Hearing, pages 3577–3585."

10. "Reporter's Transcript on Appeal, volume 57 of 61, In Camera Hearings, pages 11629–11638, 11641–11647."

11. "Augmentation of Reporter's Transcript

on Appeal, volume III, pages 12–126.”

The Clerk is further directed to provide appellant with a copy of the following portions of the record on appeal herein, but otherwise to maintain them under seal:

1. “Supplemental Clerk’s Transcript on Appeal #1,” volume 12 of 12, pages 3099–3102, 3110–3116, 3126–3263, and 3287–3605.

2. “Supplemental Clerk’s Transcript on Appeal #6,” volume 1 of 1, pages 1–2, 4–11, 13, 15, 17, 18, and 20–32.

3. “Supplemental Clerk’s Transcript on Appeal #7 Confidential Attorney Fee Requests, volume 1 of 1, pages 1–7.”

4. “Report and Recommendation of the Probation Officer” (C.T. pp. 3423–3438).

The Clerk is also directed to provide counsel for appellant with a copy of the following portions of the record on appeal herein, but otherwise to maintain them under seal:

1. “Supplemental Clerk’s Transcript on Appeal #9, volume 1 of 1,” pages 1–9, 12, 45, 46, 132, 133, and 136–192, and, as redacted, pages 37 and 47.

Counsel for appellant is ordered not to use or disclose the contents of any of the portions of the record on appeal identified in the preceding paragraph, except in the appeal from the judgment of death herein and/or in any habeas corpus or executive clemency proceeding seeking relief from that judgment, and except in papers themselves submitted under seal.

In all other respects, the motion is denied.

On the court’s own motion, the Clerk is directed to provide the respondent with a copy of the following portions of the record on appeal herein:

1. “Supplemental Clerk’s Transcript on Appeal #1, volume 11 of 12,” pages 2989–3058 and, as redacted, pages 3059–3098.

2. “Supplemental Clerk’s Transcript on Appeal #8 Sealed Documents, volume 1 of 1,” pages 1–14, as redacted.

3. “Augmented Clerk’s Transcript on Appeal Sealed and Confidential Documents Pertaining to Co-Defendant Richard Avila,” volume 1, pages 1–272 and 287–300 and, as

redacted, pages 273–286.

4. “Augmented Clerk’s Transcript on Appeal Sealed and Confidential Documents Pertaining to Co-Defendant Richard Avila,” volume 2, pages 301–401.

5. “Reporter’s Augmented Transcript on Appeal, volume VII, pages 1801–2100, September 30, 1992.”

6. “Augmentation of Reporter’s Transcript on Appeal, April 19, 1993.”

7. “Reporter’s Transcript on Appeal Augmentation,” volumes XI–XVII.

8. “Reporter’s Transcript on Appeal, volume 6 of 61, In Camera Hearing, pages 1067–1090.”

9. “Reporter’s Transcript on Appeal, volume 15 of 61, In Camera Hearing, pages 3577–3585.”

10. “Reporter’s Transcript on Appeal, volume 57 of 61, In Camera Hearings, pages 11629–11638, 11641–11647.”

11. “Augmentation of Reporter’s Transcript on Appeal, volume III, pages 12–126.”

On the court’s own motion, the Clerk is further directed to provide counsel for respondent with a copy of the following portions of the record on appeal herein, but otherwise to maintain them under seal:

1. “Report and Recommendation of the Probation Officer” (C.T. pp. 3423–3438).

On the court’s own motion, the Clerk is also directed to provide counsel for respondent with a copy of the following portions of the record on appeal herein, but otherwise to maintain them under seal:

1. “Supplemental Clerk’s Transcript on Appeal #9, volume 1 of 1,” pages 1–9, 12, 45, 46, 132, 133, and 136–192, and, as redacted, pages 37 and 47.

Counsel for respondent is ordered not to use or disclose the contents of any of the portions of the record on appeal identified in the preceding paragraph, except in the appeal from the judgment of death herein and/or in any habeas corpus or executive clemency proceeding seeking relief from that judgment, and except in papers themselves submitted under seal.

S037302

PEOPLE v. HINTON (ERIC L.)
Order filed

Appellant's "Application for leave to file oversized reply brief" is granted.

S040704

PEOPLE v. JOHNSEN (BRIAN D.)
Motion denied

Appellant's "Petition for Extended Memory Typewriter and Increased Printwheel Allowance," filed on October 2, 2003, is treated as a petition for writ of habeas corpus challenging his conditions of confinement, and is denied.

S065575

CHAMPION (STEVE A.) ON H.C.
Order filed

THE COURT:

Petitioner's motion to clarify the scope of the reference hearing is granted. The term "mitigating evidence," as used in the reference order, refers not only to evidence of petitioner's social history and his mental and physical impairments, but also to evidence refuting petitioner's involvement in the Taylor and Jefferson homicides.

S098817

B145406 Second Appellate District,
Division One

COVENANT CARE, INC. v. S.C. (INCLAN)
Orders filed

- (1) Permission granted for two counsel to present oral argument for petitioners.
- (2) Permission granted for petitioners to allocate 10 minutes of oral argument time to amicus curiae California Medical Foundation.

S105798

C038019 Third Appellate District

BONNELL v. MEDICAL BOARD OF CALIFORNIA
Order filed

The Attorney General's request for judicial notice, filed October 10, 2002, is granted.

S113301

B148398 Second Appellate District,
Division Seven

VENEGAS v. COUNTY OF LOS ANGELES

Orders filed

- (1) Permission granted for two counsel to present oral argument for appellants.
- (2) Permission granted for appellants to allocate 10 minutes oral argument time to amicus curiae Los Angeles Police Watch

S114551

STEELE (RAYMOND) ON H.C.

Orders filed

- (1) The request of counsel for petitioner in the above-referenced cause to allow two counsel to argue on behalf of petitioner at oral argument is hereby granted.
- (2) The request of petitioner to allocate to amicus curiae Habeas Corpus Resource Center 15 minutes of petitioner's 30-minute allotted time for oral argument is granted.

S119752

DIAMOND v. S.C. (PEOPLE)

Order filed

Petition for writ of error coram vobis DENIED.

